



General Assembly

January Session, 2001

Amendment

LCO No. 7812

Offered by:
REP. LAWLOR, 99th Dist.

To: Subst. House Bill No. 6652

File No. 589

Cal. No. 401

"AN ACT CONCERNING REVISIONS TO THE CHILD PROTECTION LAWS."

1 Strike section 4 in its entirety and renumber the remaining sections
2 accordingly:

3 After line 201, insert the following:

4 "Sec. 7. Subsection (j) of section 46b-129 of the general statutes is
5 repealed and the following is substituted in lieu thereof:

6 (j) Upon finding and adjudging that any child or youth is uncared-
7 for, neglected or dependent, the court may commit [him] such child or
8 youth to the Commissioner of Children and Families, [for a maximum
9 period of twelve months, unless such period is extended in accordance
10 with the provisions of subsection (k) of this section] Such commitment
11 shall remain in effect until further order of the court pursuant to the
12 provisions of subsection (k) of this section, as amended by this act,
13 provided such commitment [or any extension thereof] may be revoked
14 or parental rights terminated at any time by the court, or the court may

15 vest such child's or youth's care and personal custody in any private or
16 public agency which is permitted by law to care for neglected,
17 uncared-for or dependent children or youth or with any person or
18 persons found to be suitable and worthy of such responsibility by the
19 court. The court shall order specific steps which the parent must take
20 to facilitate the return of the child or youth to the custody of such
21 parent. The commissioner shall be the guardian of such child or youth
22 for the duration of the commitment, provided the child or youth has
23 not reached the age of eighteen years or, in the case of a child or youth
24 in full-time attendance in a secondary school, a technical school, a
25 college or a state-accredited job training program, provided such child
26 or youth has not reached the age of twenty-one, by consent of such
27 youth, or until another guardian has been legally appointed, and in
28 like manner, upon such vesting of [his] the care of such child or youth,
29 such other public or private agency or individual shall be the guardian
30 of such child or youth until [he] such child or youth has reached the
31 age of eighteen years or, in the case of a child or youth in full-time
32 attendance in a secondary school, a technical school, a college or a
33 state-accredited job training program, until such child or youth has
34 reached the age of twenty-one years or until another guardian has
35 been legally appointed. Said commissioner may place any child or
36 youth so committed to [him] the commissioner in a suitable foster
37 home or in the home of a person related by blood to such child or
38 youth or in a licensed child-caring institution or in the care and
39 custody of any accredited, licensed or approved child-caring agency,
40 within or without the state, provided a child shall not be placed
41 outside the state except for good cause and unless the parents of such
42 child are notified in advance of such placement and given an
43 opportunity to be heard, or in a receiving home maintained and
44 operated by the Commissioner of Children and Families. In placing
45 such child or youth, said commissioner shall, if possible, select a home,
46 agency, institution or person of like religious faith to that of a parent of
47 such child or youth, if such faith is known or may be ascertained by
48 reasonable inquiry, provided such home conforms to the standards of
49 said commissioner and the commissioner shall, when placing siblings,

50 if possible, place such children together. As an alternative to
51 commitment, the court may place the child in the custody of the parent
52 or guardian with protective supervision by the Commissioner of
53 Children and Families subject to conditions established by the court.

54 Sec. 8. Subsection (k) of section 46b-129 of the general statutes is
55 repealed and the following is substituted in lieu thereof:

56 [(k) (1) Ten months after the adjudication of neglect of the child or
57 youth or twelve months after the vesting of temporary care and
58 custody pursuant to subsection (b) of this section]

59 (k) (1) Nine months after placement of the child or youth in the care
60 and custody of the commissioner pursuant to a voluntary placement
61 agreement, or removal of a child or youth pursuant to section 17a-101g
62 or an order issued by a court of competent jurisdiction, whichever is
63 earlier, the commissioner shall file a motion for review of a
64 permanency plan and to [extend] maintain or revoke the commitment.
65 [Ten] Nine months after a permanency plan has been approved by the
66 court pursuant to this subsection, [unless the court has approved
67 placement in long-term foster care with an identified person or an
68 independent living program, or the commissioner has filed a petition
69 for termination of parental rights or motion to transfer guardianship,]
70 the commissioner shall file a motion for review of the permanency
71 plan and to [extend] maintain or revoke the commitment. Any party
72 seeking to oppose the commissioner's permanency plan or the
73 maintaining or revocation of commitment shall file a motion in
74 opposition within thirty days after the filing of the commissioner's
75 motion for review of the permanency plan and to maintain or revoke
76 commitment. A permanency hearing on any [such] motion for review
77 of the permanency plan and to maintain or revoke commitment shall
78 be held within [sixty] ninety days of the filing of such motion. The
79 court shall hold evidentiary hearings in connection with any contested
80 motion for review of the permanency plan and to maintain or revoke
81 commitment. The burden of proof shall be upon the commissioner to
82 establish that the commitment should be maintained. After the initial

83 permanency hearing, subsequent permanency hearings shall be held
84 not less frequently than every twelve months while the child or youth
85 remains in the custody of the Commissioner of Children and Families.
86 The court shall provide notice to the child or youth, and [his] the
87 parent or guardian of such child or youth of the time and place of the
88 court hearing on any such motion not less than fourteen days prior to
89 such hearing.

90 (2) At [such] a permanency hearing held in accordance with the
91 provisions of subdivision (1) of this subsection, the court shall
92 determine whether it is appropriate to continue to make reasonable
93 efforts to reunify the child or youth with the parent, unless the court
94 has previously determined that such efforts are not appropriate
95 pursuant to this subdivision or section 17a-111b. In making this
96 determination, the court shall consider the best interests of the child,
97 including the child's need for permanency. If the court finds upon clear
98 and convincing evidence that further efforts are not appropriate, the
99 commissioner has no duty to make further efforts to reunify the child
100 or youth with the parent. If the court finds that further efforts are
101 appropriate, such efforts shall ensure that the child or youth's health
102 and safety are protected and such efforts shall be specified by the
103 court, including the services to be provided to the parent, what steps
104 the parent may take to address the problem that prevents the child or
105 youth from safely reuniting with the parent and a time period, not
106 longer than six months, for such steps to be accomplished.

107 (3) At [such] a permanency hearing held in accordance with the
108 provisions of subdivision (1) of this subsection, the court shall approve
109 a permanency plan that is in the best interests of the child or youth and
110 takes into consideration the [child] child's or youth's need for
111 permanency. The child's or youth's health and safety shall be of
112 paramount concern in formulating such plan. Such permanency plan
113 may include the goal of (A) revocation of commitment and placement
114 of the child or youth with the parent or guardian, with or without
115 protective supervision; [(B) placing the child or youth in an
116 independent living program; (C)] (B) transfer of guardianship; [(D)

117 approval of] (C) long-term foster care with [an identified foster parent;
118 (E)] a relative licensed as a foster parent or certified as a relative
119 caregiver; (D) adoption and filing of termination of parental rights; [(F)
120 if the permanency plan identifies adoption as an option, a thorough
121 adoption assessment and child specific recruitment. As used in this
122 subdivision, "thorough adoption assessment" means conducting and
123 documenting face-to-face interviews with the child, foster care
124 providers, and other significant parties and "child specific recruitment"
125 means recruiting an adoptive placement targeted to meet the
126 individual needs of the specific child, including, but not limited to, use
127 of the media, use of photo-listing services and any other in-state or
128 out-of-state resources that may be used to meet the specific needs of
129 the child, unless there are extenuating circumstances that indicate that
130 these efforts are not in the best interest of the child; or (G)] or (E) such
131 other [appropriate action] planned permanent living arrangement
132 ordered by the court, provided the Commissioner of Children and
133 Families has documented a compelling reason why it would not be in
134 the best interest of the child or youth for the permanency plan to
135 include the goals in subparagraphs (A) to (D), inclusive, of this
136 subdivision. Such other planned permanent living arrangement may
137 include, but not be limited to, placement of a child or youth in an
138 independent living program or long term foster care with an identified
139 foster parent.

140 (4) At [the] a permanency [plan] hearing held in accordance with
141 the provisions of subdivision (1) of this subsection, the court shall
142 review the status of the child, the progress being made to implement
143 the permanency plan, [and] determine a timetable for attaining the
144 permanency [prescribed by the] plan and determine whether the
145 commissioner has made reasonable efforts to achieve the permanency
146 plan. The court shall [extend] maintain commitment if [extension] it is
147 in the best interests of the child or youth. [for a period of twelve
148 months.] The court shall revoke commitment if a cause for
149 commitment no longer exists and it is in the best interests of the child
150 or youth.

151 Sec. 9. Subsection (o) of section 46b-129 of the general statutes is
152 repealed and the following is substituted in lieu thereof:

153 (o) A foster parent shall have [standing] the right to be heard for the
154 purposes of this section in Superior Court in matters concerning the
155 placement or revocation of commitment of a foster child living with
156 such parent. A foster parent shall receive notice of any motion to
157 revoke commitment or any hearing on such motion. A foster parent
158 who has cared for a child or youth for not less than six months shall
159 have [standing to] the right to be heard and comment on the best
160 interests of such child or youth in any matter under this section which
161 is brought not more than one year after the last day the foster parent
162 provided such care.

163 Sec. 10. Section 17a-42 of the general statutes is repealed and the
164 following is substituted in lieu thereof:

165 (a) There is established within the Department of Children and
166 Families a photo-listing service which shall include, but need not be
167 limited to, a book and an electronic format containing a photograph
168 and description of each child to be photo-listed. Such book and its
169 electronic format shall be distributed to all child care and child-placing
170 agencies, as such terms are defined in section 45a-707, and to other
171 organizations concerned with adoption. Such photo-listing service
172 shall recruit adoptive families for children who are legally free for
173 adoption under section 45a-725, and have remained in foster care or
174 institutions for a period of thirty days or more, such thirty days to
175 include any period of foster or institutional care immediately
176 preceding the date on which such child was legally free for adoption.
177 Such photo-listing service may recruit prospective adoptive families
178 for children who are not yet legally free for adoption under section
179 45a-725, provided the court has approved a permanency plan for
180 adoption pursuant to subdivision (3) of subsection (k) of section 46b-
181 129, as amended by this act. The Commissioner of Children and
182 Families shall employ under [his] the commissioner's direction and
183 control such persons as [he] the commissioner deems necessary for the

184 effective performance of such photo-listing service.

185 (b) Under sections 17a-112 and 45a-717, the court may order that a
186 child be photo-listed within thirty days of the termination of parental
187 rights as a condition of granting an order of termination of parental
188 rights if the court determines that it is in the best interests of the child.
189 Under subdivision (3) of subsection (k) of section 46b-129, as amended
190 by this act, the court may order that a child be photo-listed within
191 thirty days of the approval of a permanency plan for adoption if the
192 court determines that it is in the best interest of the child. The court
193 shall not order that a child twelve years of age or older be photo-listed
194 unless such child consents to such photo-listing.

195 (c) Said commissioner shall adopt regulations, in accordance with
196 the provisions of chapter 54, to implement and maintain a photo-
197 listing service. Such regulations shall include, but not be limited to,
198 procedures for registration of children with the photo-listing service
199 and format and media selection for presenting photo-listed children to
200 the public. The commissioner shall, within available appropriations,
201 establish, maintain and distribute a photo-listing service book. The
202 commissioner, within available appropriations, shall contract with a
203 nonprofit agency to establish and maintain the photo-listing service in
204 its electronic format.

205 Sec. 11. Subsection (d) of section 17a-10 of the general statutes is
206 repealed and the following is substituted in lieu thereof:

207 (d) If the Superior Court requests a report on any committed child,
208 the commissioner shall be responsible for preparing and transmitting
209 such report to the requesting court. Not more than sixty days nor less
210 than thirty days prior to the expiration of the original commitment of
211 any child to the department, the commissioner may [petition the court]
212 file a motion for an extension of commitment pursuant to the
213 provisions of section 46b-141, as amended by this act. If the
214 commissioner, or the board of review pursuant to the provisions of
215 section 17a-15, at any time during the commitment of any child,

216 determines that termination of commitment of a child is in the best
217 interest of such child, the commissioner or the board may terminate
218 the commitment and such termination shall be effective without
219 further action by the court.

220 Sec. 12. Section 17a-114 of the general statutes, as amended by
221 substitute house bill 6967 of the current session, is repealed and the
222 following is substituted in lieu thereof:

223 (a) No child in the custody of the Commissioner of Children and
224 Families shall be placed with any person, unless such person is
225 licensed by the department for that purpose. Any person licensed by
226 the department to accept placement of a child is deemed to be licensed
227 to accept placement as a foster family or prospective adoptive family.
228 The commissioner shall adopt regulations, in accordance with the
229 provisions of chapter 54, to establish the licensing procedures and
230 standards.

231 (b) Notwithstanding the requirements of subsection (a) of this
232 section, the commissioner may place a child with a relative who is not
233 licensed for a period of up to ninety days when such placement is in
234 the best interests of the child, provided a satisfactory home visit is
235 conducted, a basic assessment of the family is completed and such
236 relative attests that such relative and any adult living within the
237 household have not been convicted of a crime or arrested for a felony
238 against a person, for injury or risk of injury to or impairing the morals
239 of a child, or for the possession, use or sale of a controlled substance.
240 Any such relative who accepts placement of a child in excess of such
241 ninety-day period shall be subject to licensure by the commissioner,
242 except that any such relative who, prior to July 1, 2001, had been
243 certified by the commissioner to provide care for a related child may
244 continue to maintain such certification if such relative continues to
245 meet the regulatory requirements and the child remains in such
246 relative's care. The commissioner may grant a waiver, for a child
247 placed with a relative, on a case-by-case basis, from such procedure or
248 standard, except any safety standard, based on the home of the relative

249 and the needs and best interests of such child. The reason for any
250 waiver granted shall be documented. The commissioner shall adopt
251 regulations, in accordance with the provisions of chapter 54, to
252 establish certification procedures and standards for a caretaker who is
253 a relative of such child.

254 ~~[(b)]~~ (c) The Commissioner of Children and Families, when
255 conducting any criminal history records check, shall arrange for the
256 fingerprinting or for the conducting of any other method of positive
257 identification required by the State Police Bureau of Identification or
258 the Federal Bureau of Identification. The fingerprints and other
259 positive identifying information shall be forwarded to the State Police
260 Bureau of Identification, which shall conduct a state criminal history
261 records check and submit the fingerprints or other identifying
262 information to the Federal Bureau of Investigation for a national
263 criminal history records check. The commissioner shall also check the
264 state child abuse registry established pursuant to section 17a-101k for
265 the name of such applicant or licensee."